

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by  
5 changing Section 14-103.05 as follows:

6 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)  
7 Sec. 14-103.05. Employee.

8 (a) Any person employed by a Department who receives  
9 salary for personal services rendered to the Department on a  
10 warrant issued pursuant to a payroll voucher certified by a  
11 Department and drawn by the State Comptroller upon the State  
12 Treasurer, including an elected official described in  
13 subparagraph (d) of Section 14-104, shall become an employee  
14 for purpose of membership in the Retirement System on the  
15 first day of such employment.

16 A person entering service on or after January 1, 1972 and  
17 prior to January 1, 1984 shall become a member as a condition  
18 of employment and shall begin making contributions as of the  
19 first day of employment.

20 A person entering service on or after January 1, 1984  
21 shall, upon completion of 6 months of continuous service  
22 which is not interrupted by a break of more than 2 months,  
23 become a member as a condition of employment. Contributions  
24 shall begin the first of the month after completion of the  
25 qualifying period.

26 The qualifying period of 6 months of service is not  
27 applicable to: (1) a person who has been granted credit for  
28 service in a position covered by the State Universities  
29 Retirement System, the Teachers' Retirement System of the  
30 State of Illinois, the General Assembly Retirement System, or  
31 the Judges Retirement System of Illinois unless that service

1 has been forfeited under the laws of those systems; (2) a  
2 person entering service on or after July 1, 1991 in a  
3 noncovered position; or (3) a person to whom Section  
4 14-108.2a or 14-108.2b applies.

5 (b) The term "employee" does not include the following:

6 (1) members of the State Legislature, and persons  
7 electing to become members of the General Assembly  
8 Retirement System pursuant to Section 2-105;

9 (2) incumbents of offices normally filled by vote  
10 of the people;

11 (3) except as otherwise provided in this Section,  
12 any person appointed by the Governor with the advice and  
13 consent of the Senate unless that person elects to  
14 participate in this system;

15 (4) except as provided in Section 14-108.2, any  
16 person who is covered or eligible to be covered by the  
17 Teachers' Retirement System of the State of Illinois, the  
18 State Universities Retirement System, or the Judges  
19 Retirement System of Illinois;

20 (5) an employee of a municipality or any other  
21 political subdivision of the State;

22 (6) any person who becomes an employee after June  
23 30, 1979 as a public service employment program  
24 participant under the Federal Comprehensive Employment  
25 and Training Act and whose wages or fringe benefits are  
26 paid in whole or in part by funds provided under such  
27 Act;

28 (7) enrollees of the Illinois Young Adult  
29 Conservation Corps program, administered by the  
30 Department of Natural Resources, authorized grantee  
31 pursuant to Title VIII of the "Comprehensive Employment  
32 and Training Act of 1973", 29 USC 993, as now or  
33 hereafter amended;

34 (8) enrollees and temporary staff of programs

1 administered by the Department of Natural Resources under  
2 the Youth Conservation Corps Act of 1970;

3 (9) any person who is a member of any professional  
4 licensing or disciplinary board created under an Act  
5 administered by the Department of Professional Regulation  
6 or a successor agency or created or re-created after the  
7 effective date of this amendatory Act of 1997, and who  
8 receives per diem compensation rather than a salary,  
9 notwithstanding that such per diem compensation is paid  
10 by warrant issued pursuant to a payroll voucher; such  
11 persons have never been included in the membership of  
12 this System, and this amendatory Act of 1987 (P.A.  
13 84-1472) is not intended to effect any change in the  
14 status of such persons;

15 (10) any person who is a member of the Illinois  
16 Health Care Cost Containment Council, and receives per  
17 diem compensation rather than a salary, notwithstanding  
18 that such per diem compensation is paid by warrant issued  
19 pursuant to a payroll voucher; such persons have never  
20 been included in the membership of this System, and this  
21 amendatory Act of 1987 is not intended to effect any  
22 change in the status of such persons; or

23 (11) any person who is a member of the Oil and Gas  
24 Board created by Section 1.2 of the Illinois Oil and Gas  
25 Act, and receives per diem compensation rather than a  
26 salary, notwithstanding that such per diem compensation  
27 is paid by warrant issued pursuant to a payroll voucher.

28 (c) An individual who is employed on a full-time basis  
29 as an officer or employee of a statewide labor organization  
30 that represents members of this System may participate in the  
31 System and shall be deemed an employee, provided that (1) the  
32 individual has previously earned creditable service under  
33 this Article, (2) the individual files with the System an  
34 irrevocable election to become a participant, and (3) the

1 individual does not receive credit for that employment under  
2 any other provision of this Code. An employee under this  
3 subsection (c) is responsible for paying to the System both  
4 (i) employee contributions based on the actual compensation  
5 received for service with the labor organization and (ii)  
6 employer contributions based on the percentage of payroll  
7 certified by the board; all or any part of these  
8 contributions may be paid on the employee's behalf or picked  
9 up for tax purposes (if authorized under federal law) by the  
10 labor organization.

11 A person who is an employee as defined in this subsection  
12 may establish service credit for similar employment prior to  
13 becoming an employee under this subsection by paying to the  
14 System for that employment the contributions specified in  
15 this subsection, plus interest at the effective rate from the  
16 date of service to the date of payment. However, credit  
17 shall not be granted under this subsection for any such prior  
18 employment for which the applicant received credit under any  
19 other provision of this Code, or during which the applicant  
20 was on a leave of absence.

21 (Source: P.A. 89-246; eff. 8-4-95; 89-445, eff. 2-7-96;  
22 90-448, eff. 8-16-97.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.